

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DAVID VANN,

Plaintiff,

v.

CITY OF ROCHESTER, et al.,

Defendants.

ATTORNEY DECLARATION

Case No.: 18-cv-6464

JOHN M. CAMPOLIETO, Esq., declares and says:

1. I am an attorney with the City of Rochester Corporation Counsel's Office, attorneys for Defendants. I am admitted to practice law before the Courts of the State of New York and in the United States District Court, Western District of New York.

2. I submit this Declaration in oppositions to Plaintiff's F.R.C.P. Rule 56 Summary Judgment Motion made against the Defendants.

3. The information set forth herein is based upon my personal knowledge, a review of the proceedings in this action, and a review of relevant case law.

4. Annexed hereto as Exhibit A is the Deposition Excerpts from Officer Steven Mitchell's Testimony

5. Annexed hereto as Exhibit B is the Deposition Excerpts from Officer Matthew Drake's Testimony.

6. Annexed hereto as Exhibit C is the Deposition Excerpts from Officer Jeffrey Kester's Testimony.

7. Annexed hereto as Exhibit D is the Rochester Police Department deposition of Algazali Dawan, dated September 5, 2015.

8. Annexed hereto as Exhibit E is the Incident Report authored by Steven Mitchell.

9. Annexed hereto as Exhibit G is the use of force report (SRR) of RPD Officer Steven Mitchell.

10. Annexed hereto as Exhibit H is the use of force report (SRR) of RPD Officer Jeffrey Kester.

11. Annexed hereto as Exhibit H is the Grand Jury Testimony from the matter of the People of the State of New York v. David Vann.

12. Attached under separate cover is the City Defendants Statement of Undisputed Facts.

13. Attached under separate cover is the Affidavit of Rochester Police Investigator Jeffery Kester.

14. Attached under separate cover is the Affidavit of Rochester Police Officer Steven Mitchell.

15. This motion seeks the dismissal of the Plaintiff's Partial Summary Judgment Motion. Additionally, the City Defendants seek qualified immunity as a defense to the Plaintiff's motion.

DATED: May 24, 2024

PATRICK BEATH, CORPORATION COUNSEL

/s/John M. Campolieto
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